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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,769

Applicant(s)

MAHAJAN ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending.
2. Amendment filed 02/28/2005 has been received and considered.

Response to Amendment

3. The status identifiers are incorrect in the current amended. Claims 1, 11 and 14 should be "Currently Amended" and claims 15-17 should be "Canceled."

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to disclose the terminals operating as distributed servers.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to disclose Applicant's limitation that the "plurality of end terminals operating as distributed servers when performing the disseminating information".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 7, 9-12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 6640301) and further in view of Woolard et al (US 6178362).

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As per claim 1, discloses receiving information from an information source (see column 5 lines 26-28); and validating said information (see column 5 lines 29-33; and storing said validated information (see column 6 lines 48-51); and automatically forwarding said validated information to a second end terminal of said plurality of end terminals over a communication channel established between said first and said second end terminals; wherein said communication channel is established for a purpose separate from forwarding said validated information (see column 6 lines 56-58).

The first terminal is represented by the email website server while the second terminal is represented by the client.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the communication channel be used for purposes other than forwarding said validated information because the channel is used to forward other forms of information such as HTTP packets from one end to the other.

Ng, fails to disclose the end terminals operating as distributed servers when disseminating information.

However, Woolard et al teaches such servers (see column 9 lines 14-37).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Woolard et al's distributed servers in the dissemination system of Ng.

Motivation to do so would have been to scale up the system to handle very large applications of real-time data (see Woolard et al column 9 lines 14-37).

As per claim 2, the modified Ng and Woolard et al system discloses receiving a positive acknowledgement from said second end terminal (see column 1 lines 43-45). TCP inherently sends a positive acknowledgement (ACK) for every packet successfully received. Hence an ACK would inherently have been sent by the second end terminal to show that the message was successfully received.

As per claim 3, the modified Ng and Woolard et al system discloses informing said information source that said information has been successfully disseminated (see Ng column 10 lines 13-14). Transmission of the message indicates that the information has been successfully sent.

As per claim 7, the modified Ng and Woolard et al system discloses the method being performed by a validated first end terminal (see Ng column 5 lines 29-34).

As per claim 9, the modified Ng and Woolard et al system discloses wherein said information is forwarded over said

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established communication channel as a piggyback in a frame (see Ng column 1 lines 43-45). Piggybacking is inherently in TCP/IP communications.

As per claim 10, the modified Ng and Woolard et al system discloses wherein said information is contained in a data field of said frame (see Ng column 1 lines 43-45. TCP/IP inherently transmits packets that are composed of a header and a data field.

As per claim 11, the modified Ng and Woolard et al system discloses receiving information from an information source (see Ng column 5 lines 26-28); and validating said information (see Ng column 5 lines 29-33); and storing said validated information (see Ng column 6 lines 48-51); and detecting establishment of a communication channel between said first end terminal and a second end terminal of said plurality of end terminals, wherein said communication channel is established for a purpose separate from forwarding said validated information (see Ng column 7 lines 3-17); and automatically forwarding validated information to said second end terminal over said established communication channel (see Ng column 6, lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the communication channel be used for purposes other than forwarding said

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validated information because the channel is used to forward other form of information such as HTTP packets from one end to the other.

As per claim 12, the modified Ng and Woolard et al system discloses receiving a positive acknowledgement from said second end terminal and informing said information source that said information is successfully disseminated (see Ng column 1 lines 43-45 and column 10 lines 13-14).

As per claim 14, the modified Ng and Woolard et al system discloses sending information from an information source to at least one end terminal, wherein said at least one end terminal validates said information and forwards said information via a piggyback in a frame when a channel is established between said at least one end terminal and another end terminal for a purpose other than dissemination of information (see Ng column 5 lines 29-34 and column 1 lines 43-45).

8. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Ng Woolard et al system and further in view of Gogerty (US 20040017245).

As per claims 4 and 13, the modified Ng and Woolard et al system meets all the limitation except for the following limitation. The limitation of including receiving a reward for

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successfully disseminating said information is met by Gogerty on paragraphs 33 and 34.

It would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Gogerty within the system of Ng and Woolard et al because a reward provides an incentive to the sender of information.

9. Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Ng and Woolard system in view of Sandhu et al (US2002/0078353 A1).

As per claim 5, the modified Ng and Woolard et al system meets all the limitation except for the following limitation. The limitation of wherein validating said information includes validating said information using a verification key provided by a certification authority is met by Sandhu et al on paragraph 15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Sandhu et al within the system of Ng and Woolard because validation by using a public key provided by a certification authority (CA) is well known in the art.

As per claim 6, the modified Ng, Woolard et al and Sandhu et al system discloses the verification key is a public key (see Sandhu paragraph 15).

As per claim 8, the modified Ng, Woolard et al and Sandhu et al system discloses the first end terminal is validated using a root key (see Sandhu et al paragraph 15).

Response to Arguments

10. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER